

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES JOHN McCOLL,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C24-688-KKE-SKV

REPORT AND RECOMMENDATION

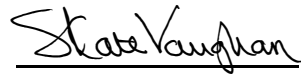
Petitioner James McColl is currently confined at the Snohomish County Jail in Everett, Washington. On May 16, 2024, Petitioner submitted to the Court for filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 relating to criminal proceedings currently ongoing in Snohomish County Superior Court. Dkt. 1. Petitioner failed, however, to submit with his petition either the requisite \$5.00 filing fee or an application to proceed with this action *in forma pauperis*. The Clerk therefore sent Petitioner a letter advising him that his submission was deficient and that he would have to correct the deficiency not later than June 24, 2024, or face dismissal of this action. See Dkt. 2. On August 28, 2024, the Court received a series of miscellaneous documents from Petitioner relating to his underlying criminal proceedings. Dkt. 4. However, to date, Petitioner has not responded in any fashion to the Clerk's deficiency letter.

REPORT AND RECOMMENDATION
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1 As Petitioner has had ample time to either pay the filing fee for this action or submit an
2 application to proceed *in forma pauperis*, but has failed to do so, this Court recommends that the
3 instant action be dismissed without prejudice for failure to prosecute. A proposed Order
4 accompanies this Report and Recommendation.

5 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
6 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
7 Report and Recommendation is signed. Failure to file objections within the specified time may
8 affect your right to appeal. Objections should be noted for consideration on the District Judge's
9 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
10 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
11 ready for consideration by the District Judge on **October 1, 2024**.

12 DATED this 10th day of September, 2024.

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14 S. KATE VAUGHAN
15 United States Magistrate Judge
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